

REMARKS

DRAWINGS

As indicated above, applicants will file formal drawings correcting the noted deficiencies in a timely fashion following receipt of Notice of Allowability.

SPECIFICATION

The Title has been amended to more clearly indicate the invention to which the claims are directed. The amendment was requested in applicants' earlier response but no recognition of this amendment has been given by the Examiner.

CLAIM REJECTIONS UNDER 35 U.S.C., SECTION 112

The Examiner has rejected claims 1-10 under 35 U.S.C., Section 112 as being indefinite for specifically stated reasons. Claims 1-4 have been amended accordingly, and it is believed that the objections raised by the Examiner as to indefiniteness have been obviated.

CLAIM REJECTIONS UNDER 35 U.S.C., SECTION 102

The Examiner has rejected claim 1 under 35 U.S.C., Section 102 as anticipated by Meyers. Meyers does not teach a spout which is entirely above its clamp. Applicants requested this amendment in response to the Office Action of July 3, 2000. The Examiner did not enter the requested amendment because "Applicant should clearly indicate if the intended amendment is to claim 1 or another of the claims in response to this Office Action." The refusal to enter this amendment is not understood. The amendment specifically refers to Claim 1 and the requested amendments in line 3 and line 5 are separated by a semi-colon, indicating that the amendments to line 3 and line 5 both apply to claim 1. Secondly, there are only four claims in the application with five or more lines

and only claim 1 has the word “port” in line 5. Finally, in the earlier response, the remarks state “Applicant’s claim 1 specifically requires that the spout extends upwardly from the rim of the cup. . . . Applicant has amended claim 1 to clarify that the entire spout extends upwardly from the top of the clamp which is seated on the rim of the cup.” Applicant believes that any of these conditions alone made clear that the requested amendment was for claim 1, line 5. All these together leave no other possible conclusion. Had the Examiner made the requested amendment, the present rejection under 35 U.S.C., Section 102 could not have been made. Meyers does not satisfy the requirement that the spout is entirely above the clamp, Meyers’ horizontal surface containing the hole 48 (Meyers did not identify this surface by number) clearly extending below the clamp. This is significant because Meyers’ configuration intrudes upon the internal volume of the cup, thereby reducing the volume of liquid it can hold. It also increases the likelihood of spillage through the hole 48 and interferes with the flow characteristics of the cup when it is full.

In any event, applicants have renewed their request for this amendment and, as explained above, the rejection under 35 U.S.C., Section 102 should be withdrawn and claim 1 allowed.

REJECTIONS UNDER 35 U.S.C., SECTION 103

The Examiner has rejected claims 2 and 3 under 35 U.S.C., Section 103 as unpatentable over Freeman in view of Meyers. The Examiner indicates that Freeman discloses the claimed lid except for the smooth convergence between an inner wall of the clamp and an inner wall of the spout. While the Examiner is correct in that Freeman does not teach the smooth convergence principle, the statement is incorrect in that Freeman does not have a “clamp adapted . . . to grip . . . a lip of the cup inserted therein” (Claim

2) or "inner and outer lips being cooperable to grip a lip of the cup inserted therebetween" (Claim 3). Since Freeman has no such clamp or inner lip, Meyers cannot be used to smoothly converge the inner wall of the clamp and the inner wall of the spout as suggested by the Examiner. Applicants have attached a magnified view of a portion of Figure 2 of Freeman's lid. Looking at that Figure, since Freeman has no inner lip which grips the cup 11, to what will Meyers teaching be applied? Freeman's surface is not smooth at points X or Y. If Freeman is smoothed at point X, there is still no inner lip engaging the cup. If we add an inner lip below point Y, this does not correct the absent smoothness at point X. Therefore, applicant believes that claims 2 and 3 are allowable over the cited references.

PREVIOUSLY ALLOWABLE SUBJECT MATTER

The Examiner has indicated that claims 4-10 would be allowable if rewritten or amended to overcome the 35 U.S.C., Section 112 rejections. Claim 4, the only independent claim of this group, has been amended to obviate the Examiner's comments respecting claim 4. Particularly, the claim has been amended to clarify that the inner and outer lips rather than the serration grip the lip of the container. Applicants therefore believe that claim 4 and following are now allowable.

CONCLUSION

For the reason hereinbefore stated, applicants believe that claims 1-10 as amended are allowable and allowance of all claims is respectfully requested.

Respectfully submitted,

FRANK J. CATALANO, P.C.



BY: FRANK J. CATALANO
REG. NO. 25,836
810 S. CINCINNATI, SUITE 405
TULSA, OK 74119
(918) 584-8787
(918) 599-9889 (fax)



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

IN THE TITLE:

SMOOTH SPOUT DISPOSABLE LID FOR A CUP

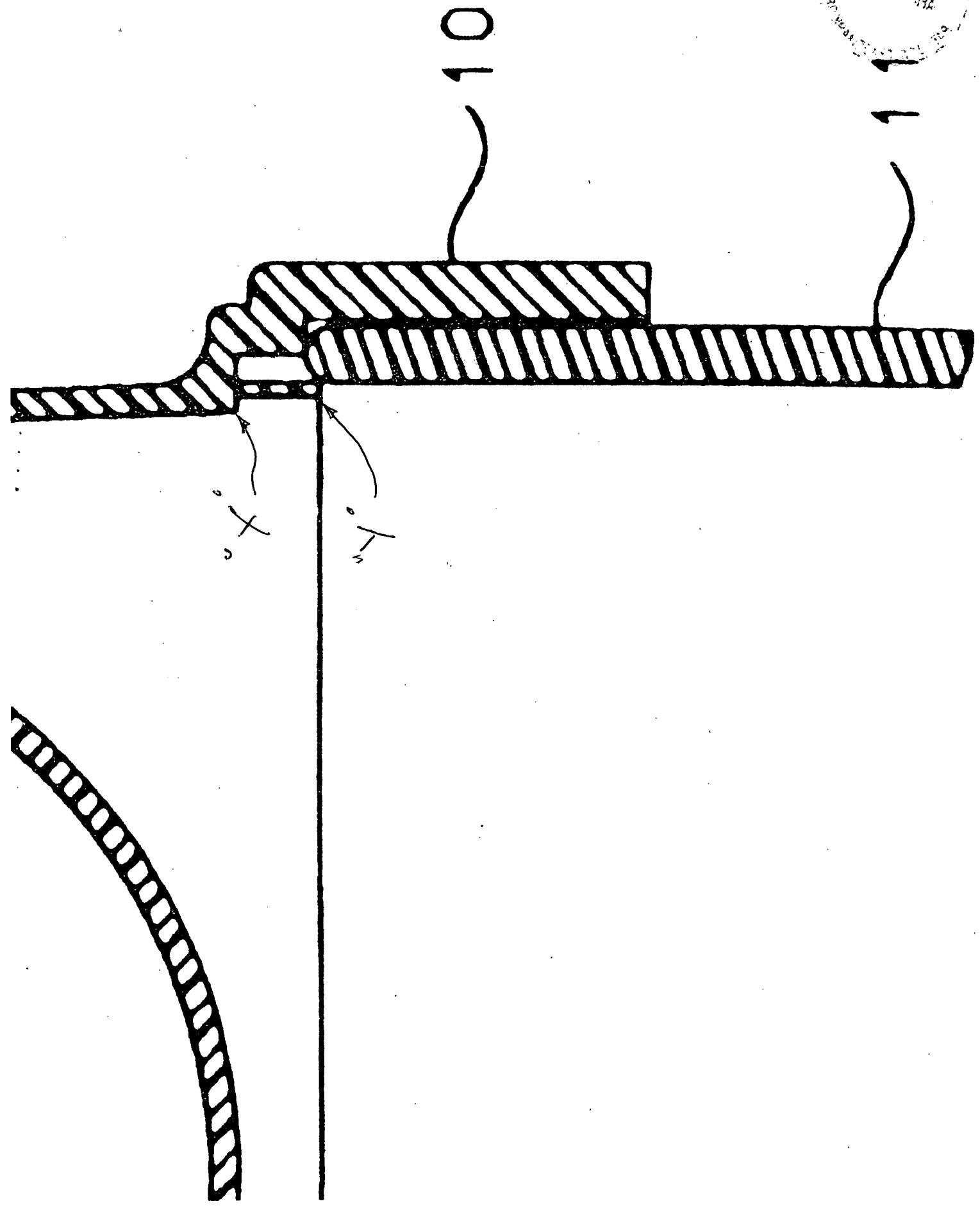
IN THE CLAIMS:

1 1. (Twice Amended) A disposable lid for a cup comprising an annular clamp
2 adapted to be seated on a rim of the cup and to grip inner and outer walls of a lip of the
3 cup inserted therein and a spout extending upwardly from [said] a top of said clamp to a
4 discharge port at an apex thereof, an inner wall of said clamp and an inner wall of said
5 spout converging smoothly to said discharge port, said spout being entirely above said
6 clamp.

1 2. (Amended) A disposable lid for a cup comprising an annular clamp adapted
2 to be seated on a rim of the cup and to grip inner and outer walls of a lip of the cup inserted
3 therein and a frustoconical spout extending upwardly from said rim to a discharge port at
4 an apex thereof, said spout having a truncation in the shape of a horizontal plane tangent
5 to a bottom wall of a horizontal cylinder and a base inside diameter equal to a top inside
6 diameter of said clamp [whereby] wherein an inner wall of said clamp and an inner wall of
7 said spout converge smoothly to said discharge port.

1 3. (Amended) A lid according to claim 2, said clamp comprising [a circular] an
2 annular rim having inner and outer edges and a bottom face adapted to be seated on a rim
3 of the cup, an inner lip extending downwardly from said inner edge of said annular rim and
4 an outer lip extending downwardly from said outer edge, said inner and outer [clamp] lips
5 being cooperable to grip a lip of the cup inserted therebetween.

1 4. (Amended) A disposable lid for a cup comprising a circular rim having inner
2 and outer edges and a bottom face adapted to be seated on a rim of the cup, an inner
3 inverted frustoconical lip extending downwardly from said inner edge and an outer
4 frustoconical lip extending downwardly from said outer edge, said inner lip having
5 serrations therein and said outer lip having nodules on an inner wall thereof, said
6 [serrations] inner and said [nodules] outer lips being cooperable to grip a lip of the cup
7 inserted therebetween, and a frustoconical spout extending upwardly from said lid rim to
8 a discharge port at an apex thereof, said spout having a truncation in the shape of a
9 horizontal plane tangent to a bottom wall of a horizontal cylinder and a base inside
10 diameter equal to a top inside diameter of said inner lip [whereby] wherein an inner wall of
11 said inner lip and an inner wall of said spout converge smoothly to said discharge port.



SEARCHED
INDEXED
SERIALIZED
FILED
APR 10 1976
FBI - NEW YORK